

## Prevention, Prohibition and Redressal of Sexual Harassment of Women at Work - POSH POLICY



### **Corporate Office:**

*Livasa Hospital*

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# Prevention, Prohibition and Redressal of Sexual Harassment of Women at Work (POSH)

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## Table of Contents

<b>POSH POLICY</b> .....	0
1. Preamble.....	3
2. Scope.....	3
3. Applicability.....	3
4. Objective.....	3
5. Definitions.....	3
6. Complaints Committee.....	4
7. Complaint Mechanism.....	5
8. Annexure.....	8

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## 1. Preamble

Livasa Hospitals Group is committed to providing a work environment that is professional and mature, free from animosity and one that reinforces our respect for the individual. All employees have the right to work in an environment that is free from any form of sexual harassment. Anyone engaging in such a conduct will be subject to disciplinary action that may range from warning to dismissal from service.

## 2. Scope

The Company is an equal opportunity employer. All Employees/Consultants/Retainers / Outsourced staff or any other person working or engaged by the Company are expected to create and maintain a work environment that is respectful for all persons in it. The Company is committed to providing a Workplace that is free of Sexual Harassment and where all Employees are treated with dignity. This Policy sets out the guidelines on how to deal with Sexual Harassment in the Workplace. It defines the various types of Sexual Harassment and stipulates the procedures that shall be adopted in cases of such allegations. Any employee can make a complaint about Sexual Harassment as per the guidelines laid down in this Policy. All complaints will be treated fairly, seriously, with speed and empathy and in confidence.

## 3. Applicability

- Inclusion: The female employees (Regular, Probationers and Trainees) of the organization. Employees covered under Employees State Insurance Corporation (ESIC) are covered directly under the ESIC scheme and not under the Livasa Scheme.
- Exclusions: Consultants, Medical Officers, Retainers etc. on MoU (On Professional Contracts).

## 4. Objective

The objective of this Policy is to effectively prevent Sexual Harassment, protect all Employees from Sexual Harassment and to provide for an effective complaint Redressal mechanism if there is a complaint of Sexual Harassment.

## 5. Definitions

- **“Act”** means “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and any amendment thereto.
- **“Aggrieved Woman”** in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent
- **“Employee”** - For the purpose of this Policy, the term ‘employee’ means and includes:  
a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker,

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- a. This broad definition of 'Employee' used for the purpose of this policy cannot be used to claim rights of an employee conferred by any other law of the land
- **“Internal Complaints Committee”** means a committee by that name, constituted by the Board of Livasa Hospital Group as per the provisions of the Act.
- **“Respondent”** means the person against whom the allegation of Sexual Harassment has been made by the Aggrieved Woman.
- **"Sexual Harassment"** - The term 'Sexual Harassment' includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication, with or without intent) namely - but is not
  - a. Physical contact and advances;
  - b. A demand or request for sexual favors;
  - c. Making sexually colored remarks
  - d. Showing pornography,
  - e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
  - f. Writing sexually loaded letters/emails/SMSs;
  - g. Lurid stares, molestation, stalking, sounds, sings, eve teasing, and innuendos which offend the individual sensibilities;

Sexual Harassment also includes any of the above acts where the victim has reasonable grounds to believe that his/her objection to such unwelcome behavior would disadvantage him/her in connection with his/her work including recruitment/ employment or allotment of work, promotion or evaluation of his/her engagement in any Company activity; where any such act(s) create an intimidating/hostile/offensive work environment and/or affect the person's work performance; and where any other adverse or hostile consequences might occur if the victim does not consent to the conduct in question or raise any objection thereto.

- **“Workplace”** (as per Act)– The term 'Workplace' means and includes all offices or other premises where the Company conducts business or otherwise operates, including all restaurants, offices, storage rooms, Lifts, Employee accommodation or rest areas, kitchens, and any other premises used by the Company. It also includes any place visited by an Employee arising out of or during the course of providing his / her services and includes transportation vehicles.

## 6. Complaints Committee

The Company has constituted separate Internal Complaints Committee (ICC) in each Hospital/Office location, in the manner prescribed under the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013, to which complaints of Sexual Harassment can be made:

- a. The ICC is constituted at all Units of the Company.

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- b. The members of the ICC shall hold office till 3 Years.
- c. The ICC is responsible for investigating every formal written complaint of Sexual Harassment, taking appropriate remedial measures, discouraging Employees and preventing Employee related Sexual Harassment.

Composition of Internal Complaint Committee (Anti-sexual harassment committee)

Composition of ICC shall be as under –

(1/3rd members should be female)

1. Presiding Officer - A Senior level female of the unit/Corporate
2. Committee Member - Female
3. Committee Member - Female
4. Unit HR - Stakeholder Officer & Convener
5. External member - Advocate/NGO
6. Corporate representative - CHRO/GM HR

## 7. Complaint Mechanism

The procedure for complaints relating to Sexual Harassment is as follows:

- Within 3 months of the date of the incident (in case of a series of incidents, within 3 months from the date of the last incident) the aggrieved Employee (where such Employee is unable to make complaint on account of his/her mental or physical incapacity, his/her legal heir or other person) shall make a complaint in writing to the ICC. If a complaint is made after 3 months of the incidents, reasons are to be recorded in writing
- The ICC shall thereafter take steps before initiating a formal inquiry as prescribed under the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013, at the request of such woman, take steps to resolve the matter through conciliation. Where a settlement is arrived at, the ICC shall record the settlement and forward the same to the Company or the District Officer to take action as specified in the recommendation by the ICC. A copy of the settlement shall also be provided to the Employee and the respondent.
- Where no settlement is requested or reached, the ICC may make an inquiry as prescribed under the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 and such inquiry will be in accordance with the principles of natural justice and be completed within a period of 60 days.
- Where the ICC arrives at the conclusion that the allegation against the respondent has been proved, subsequent to the inquiry held it may recommend to the Company: (i) to take action for misconduct; and, or, (ii) to deduct from the salary or wages of the respondent such sums it may consider appropriate to be paid to the aggrieved Employee or his/her legal heirs. Corrective action may also include a formal apology, counselling, written warning, and

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suspension or termination from employment. Nothing in this Policy should be taken in any way as a limitation on the powers to decide what disciplinary action(s) is appropriate under given circumstances

- If, however the ICC concludes that the allegations levied by the Employee were false, vexatious and malicious, the ICC may recommend the Company to take action against such Employee or the person making the complaint in accordance with applicable policies. It is clarified that a mere inability to substantiate a complaint or provide adequate proof will not attract action against such Employee.
- The Company's management will take action within 60 days from the recommendation of ICC.

## Complaints against members of the ICC

Where a complaint is against a member of the ICC, such member shall cease to be a member of the ICC for hearing the complaint and the vacancy so created will be filled by the board of directors of the Company (Board). If upon conclusion of the proceedings it is determined that such member was not guilty, he or she shall be reinstated as a member of the ICC.

Where a complaint is by one member of the ICC against another member of the ICC, both members shall cease to be members of the ICC for hearing the complaint and the vacancies so created will be filled by the Board. If upon conclusion of the proceedings it is determined that such member was not guilty, he or she shall be reinstated as a member of the ICC.

## Powers of the ICC:

In making an inquiry, the ICC shall have the same powers as are vested in a civil court, including summoning and enforcing the attendance of persons and examining such persons on oath and requiring the production and discovery of documents

## Interim Relief:

During the pendency of an inquiry, the ICC may recommend, upon written request by aggrieved Employee, transfer of the aggrieved Employee or the respondent to any other workplace or grant of leave to the Employee for up to 3 months.

## Determination of compensation:

While determining the compensation payable to an aggrieved Employee, the ICC may consider the mental trauma, pain, suffering, emotional distress caused; loss in career opportunity due to the incident; medical expenses incurred; income/financial status of the respondent and the feasibility of such payment in lumpsum or in installments.

## Confidentiality:

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All complaints, inquiries, proceedings, recommendations and decisions of the ICC will be treated with the highest standard of confidentiality. Members of the committee or anybody involved who is aware of complaint needs to strictly adhere the law & this policy for maintaining confidentiality of the details of the complaint & the complainant.

### **Criminal Proceedings:**

Where any conduct amounts to an offence under the Indian Penal Code or under any other law, the Company shall support the victim in initiating appropriate action in accordance with law.

### **Annual Report:**

The Company's annual report shall mention

- The number of complaints received, if any;
- The number of complaints disposed of;
- The number of complaints pending for more than 90 days;
- The number of workshop/ awareness programs conducted by the Company against Sexual Harassment; and
- The nature of action taken by the Company, if any.

### **Zero Tolerance to Retaliation**

If an Employee feels that he/she is experiencing any kind of retaliation, victimization or discrimination in the nature of intimidation, pressure to withdraw the complaint or threats for reporting, testifying or otherwise participating in the proceedings, he/she should immediately report the matter by sending an email to the dedicated email address applicable to the Employee and notified by the Employer. All members of the IC are mapped to/ included in the applicable email id. Livasa Hospitals prohibits retaliation against anyone for raising a complaint or helping in addressing the complaint. Any retaliation or reprisals are subject to immediate corrective action, up to and including termination of services. Alleged retaliation or reprisals are subject to the same complaint procedures and disciplinary action as complaints of Sexual Harassment.

### **Company Endeavors:**

As an organization committed to providing a Workplace free from Sexual Harassment, the Company shall:

- a. Provide a safe working environment at the Workplace including safety from the persons coming into contact at Workplace;
- b. Display this Policy at a conspicuous place at the Workplace;
- c. Organise workshops to sensitize employees to the provisions of the Sexual Harassment

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- of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 and conduct orientation programs; and
- d. Treat sexual harassment as misconduct.

### 8. Annexure

#### Undertaking from IC Committee member

##### MY COMMITMENT

I, Mr./Ms. \_\_\_\_\_, as a member of Livasa Hospital, have read and understood the Company's Policy to Address Sexual Harassment. I hereby commit to abide by the Policy in letter and spirit, a copy of which has been made available to me.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

EMP ID: \_\_\_\_\_

Location/ Unit: \_\_\_\_\_

Designation: \_\_\_\_\_

Note: Each Employee is requested to complete this and hand it over duly signed to the HR Department to ensure that there is a common minimum standard of professional behavior.

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### Policy Review

This policy will be reviewed one year after implementation.

### Exceptions

Any exception shall be with prior approval from CHRO.